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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011-142

13 **JAMES PIERRE WILLIAMS**
7451 E. Medina Avenue
14 Mesa, AZ 85209
Registered Nurse License No. 738808

ACCUSATION

Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
20 Department of Consumer Affairs.

21 2. On or about October 23, 2008, the Board issued Registered Nurse License Number
22 738808 to James Pierre Williams ("Respondent"). Respondent's registered nurse license was in
23 full force and effect at all times relevant to the charges brought herein and will expire on
24 November 30, 2010, unless renewed.

25 **STATUTORY PROVISIONS**

26 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
27 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
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1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct, which includes, but is not limited to, the
11 following:

12 (4) Denial of licensure, revocation, suspension, restriction, or any other
13 disciplinary action against a health care professional license or certificate by another
14 state or territory of the United States, by any other government agency, or by another
California health care professional licensing board. A certified copy of the decision
or judgment shall be conclusive evidence of that action . . .

15 COST RECOVERY

16 6. Code section 125.3 provides, in pertinent part, that the Board may request the
17 administrative law judge to direct a licensee found to have committed a violation or violations of
18 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
19 enforcement of the case.

20 CAUSE FOR DISCIPLINE

21 **(Disciplinary Action by the Arizona State Board of Nursing)**

22 7. Respondent is subject to disciplinary action pursuant to Code section 2761,
23 subdivision (a)(4), on the grounds of unprofessional conduct, in that in or about July 2009,
24 pursuant to Findings of Fact, Conclusions of Law and Order No. 09A-0901013-NUR in the
25 disciplinary proceeding titled *In the Matter of the Privilege to Practice Nursing Under the Nurse*
26 *Licensure Compact in the State of Arizona Issued to: James P. Williams*, the Arizona State Board
27 of Nursing revoked Respondent's privilege under the Nurse Licensure Compact to practice

28 ///

1 nursing in the State of Arizona. A true and correct copy of Findings of Fact, Conclusions of Law
2 and Order No. 09A-0901013-NUR is attached hereto as exhibit A and incorporated herein.

3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking or suspending Registered Nurse License Number 738808, issued to James
7 Pierre Williams;

8 2. Ordering James Pierre Williams to pay the Board of Registered Nursing the
9 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
10 Professions Code section 125.3;

11 3. Taking such other and further action as deemed necessary and proper.

12
13 DATED: 8/18/10

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

Findings of Fact, Conclusions Of Law And Order No. 09A-0901013-Nur

ARIZONA STATE BOARD OF NURSING
4747 North 7th Street Ste 200
Phoenix AZ 85014-3655
602-889-5150

IN THE MATTER OF THE PRIVILEGE TO
PRACTICE NURSING UNDER THE NURSE
LICENSURE COMPACT IN THE STATE OF
ARIZONA
ISSUED TO:

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER NO. 09A-0901013-NUR

JAMES P. WILLIAMS,

RESPONDENT

LICENSE NO. 149920
STATE OF WISCONSIN

On June 3, 2009, the Arizona State Board of Nursing ("Board") considered the State's Motion to Deem Allegations Admitted and Respondent's Response to the Motion, if any, at the Arizona Board of Nursing, 4747 North 7th Street, Suite 200, Phoenix Arizona 85014-3655. Nina Zimmerman, Assistant Attorney General, appeared on behalf of the State. Respondent was not present and was not represented by counsel.

On June 3, 2009, the Board granted the State's Motion to Deem Allegations Admitted. Based upon A.R.S. § 32-1664 (I) and the Complaint and Notice of Hearing No. 09A-0901013-NUR filed in this matter, the Board adopts the following Findings of Fact and Conclusions of Law, and **REVOKES** Respondent's privilege under the Nurse Licensure Compact to practice nursing in the State of Arizona.

FINDINGS OF FACT

1. The Arizona State Board of Nursing ("Board") has the authority to regulate and control the practice of nursing in the State of Arizona, pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664. The Board also has the authority to impose disciplinary sanctions against the holders of nursing

1 licenses for violations of the Nurse Practice Act, A.R.S. §§ 32-1601 to -1669.

2 2. Pursuant to the Nurse Licensure Compact, A.R.S. §§ 32-1668 and 1669 ("Compact"),
3 James P. Williams ("Respondent") holds the multi-state privilege to practice nursing in the State of
4 Arizona derived from his registered nurse license no. 149920, issued by Wisconsin, a Compact State.
5

6 3. On or about March 27, 2007, the Board considered a complaint against Respondent's
7 multi-state privilege alleging that, on or about August 13, 2006, Respondent sexually assaulted patient
8 C.C. while working at St. Luke's Medical Center in Phoenix, Arizona. Patient C.C. refused to
9 cooperate with the Board's investigation. The Board closed the case without action against
10 Respondent's multi-state privilege and referred the complaint to Respondent's home state of
11 Wisconsin, to be re-opened upon receipt of additional information warranting investigation in Arizona.
12

13 4. On or about January 15, 2009, the Board received a nearly identical complaint against
14 Respondent's multi-state privilege from Aphreikah DuHaney, Chief Nursing Officer of Paradise
15 Valley Hospital in Paradise Valley, Arizona. DuHaney reported that Respondent was arrested on
16 January 8, 2009, and charged with class II felony sexual assault against a patient, S.F., on December
17 25, 2008, at Paradise Valley Hospital.
18

19 5. On or about December 25, 2008, during the 0700 to 1900 shift, and while assigned to
20 Paradise Valley Hospital by Quality Staffing Services, Respondent cared for patient S.F., who
21 underwent laparoscopic abdominal surgery on or about December 24, 2008.
22

23 6. Patient S.F. alleged that, on or about December 25, 2008, Respondent attempted to kiss
24 her and to place his penis into her mouth after he assisted her onto the toilet. When she pushed him
25 away, he ejaculated into the sink in front of her. Patient S.F. further alleged that Respondent later
26 called her on her cell phone and asked if she had told anyone what had happened.
27

1 7. When Respondent was interviewed by hospital risk management staff on or about
2 December 30, 2008, Respondent stated he called patient S.F. only because he was interested in talking
3 with patient S.F. about her business. Respondent denied sexual contact with patient S.F.
4

5 8. According to Phoenix Police Department report no. DR 2008 82214277, Respondent
6 provided conflicting information on or about January 7, 2009 when he told a detective that he called
7 patient S.F. because he wanted to talk to her about a self-help book business in which he was involved.
8

9 9. According to Phoenix Police Department report no. DR 2008 82214277, police
10 confirmed that Respondent made calls to patient S.F.'s cell phone on December 25, 2008 at 2208,
11 December 26, 2008 at 1151, and December 28, 2008 at 1810 and 1949.
12

13 10. According to Phoenix Police Department report no. DR 2008 82214277, Respondent
14 admitted on or about January 7, 2009 during a taped telephone conversation with patient S.F. that he
15 had placed his penis in her mouth.
16

17 11. According to Phoenix Police Department report no. DR 2008 82214277, Respondent
18 was untruthful on or about January 7, 2009 during a telephone conversation with a detective when
19 Respondent stated he was unavailable to interview that day because he was in Texas. The telephone
20 number on the detective's caller ID was from Mountain Vista Medical Center in Mesa, Arizona.
21

22 12. On or about January 8, 2009, Respondent was arrested where he was working at
23 Mountain Vista Medical Center, in Mesa, Arizona. Respondent denied to the arresting officer that he
24 kissed or placed his penis in the mouth of either patient C.C. in 2006, or patient S.F. in 2008.
25

26 13. On or about January 16, 2009, in Maricopa County Superior Court case no. CR2009-
27 102873, Respondent was indicted on two counts of sexual assault, a class 2 felony, against C.C., and
28 two counts of sexual assault, a class 2 felony, against S.F.
29

1 14. During an interview with Board staff on or about February 24, 2009, Respondent
2 admitted: that he bantered and flirted with patient S.F. on or about December 25, 2008, while caring for
3 her at Paradise Valley Hospital; that he called patient S.F. after his shift ended, returned to the hospital
4 to visit her, and kissed her; and that he met patient S.F. in the parking lot of a Wal-Mart on or about
5 December 28, 2008, where S.F. performed fellatio on him.
6

7 15. During an interview with Board staff on or about February 24, 2009, Respondent
8 admitted that Arizona has been his primary state of residence since sometime in 2008, but he continued
9 to work under his Wisconsin license and did not apply for Arizona licensure as required by the
10 Compact.
11

12 CONCLUSIONS OF LAW

13 1. Based on the above Findings of Fact, the Board has cause to revoke Respondent's
14 privilege under the Nurse Licensure Compact to practice nursing in the State of Arizona, under A.R.S.
15 § 32-1663(E), -1668 and -1669 for unprofessional conduct as defined in A.R.S. § 32-1601(16) (d), (g),
16 (h), and (j); and A.A.C. R4-19-403 (A)(1) and (2); and (B)(1), (2), (3), (4), (9), (26), and (31).
17

18 ORDER

19 In view of the above Findings of Fact and Conclusions of Law, the Board issues the following
20 Order:
21

22 Pursuant to A.R.S. § 32-1664(N), the Board **REVOKES** Respondent's privilege under the
23 Nurse Licensure Compact to practice nursing in the State of Arizona.

24 Pursuant to A.R.S. § 41-1092.09, Respondent may file, in writing, a motion for rehearing or
25 review within 30 days after service of this decision with the Arizona State Board of Nursing. The
26 motion for rehearing or review shall be made to the attention of Susan Barber, R.N., M.S.N., Arizona
27 State Board of Nursing, 4747 North 7th Street Ste 200, Phoenix AZ 85014-3655. For answers to
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1 questions regarding a rehearing, contact Susan Barber at (602) 889-5161. Pursuant to A.R.S. § 41-
2 1092.09(B), if Respondent fails to file a motion for rehearing or review within 30 days after service of
3 this decision, Respondent shall be prohibited from seeking judicial review of this decision.
4

5 This decision is effective upon expiration of the time for filing a request for rehearing or review,
6 or upon denial of such request, whichever is later, as mandated in A.A.C. R4-19-609.

7 DATED this 3rd day of June, 2009.

8 ARIZONA STATE BOARD OF NURSING

9 SEAL

10 *Joey Ridenour R.N. M.N. F.A.A.N.*

11 Joey Ridenour, R.N., M.N., F.A.A.N.
12 Executive Director
13

14 COPIES mailed this 12th day of June, 2009, by Certified Mail No. 7007 3020 0002 5377 5264 and First
15 Class Mail to:

16 James P. Williams
17 7451 E Medina
18 Mesa AZ 85209

19 COPIES mailed this 12th day of June, 2009, by Certified Mail No. 7007 3020 0002 5377 5271 and First
20 Class Mail to:

21 James P. Williams
22 Maricopa County 4th Ave Jail
23 201 S 4th Ave 2nd Fl
24 House A, Pod 1, Cell 4, Bed 1
25 Phoenix AZ 85003
26
27
28
29

1 COPIES of the foregoing mailed this 12th day of June, 2009, to:

2 Nina Zimmerman
3 Assistant Attorney General
4 1275 W Washington, LES Section
5 Phoenix AZ 85007
6

7 By: Vicky Driver
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